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| 10/589,806      | 05/23/2007  | Lars Schumann        | 095309.58115US      | 2420             |

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| EXAMINER |
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ENGLISH, JAMES A

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| ART UNIT | PAPER NUMBER |
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3616

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| MAIL DATE | DELIVERY MODE |
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12/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/589,806 | <b>Applicant(s)</b><br>SCHUMANN, LARS |  |
|                              | <b>Examiner</b><br>James English     | <b>Art Unit</b><br>3616               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/17/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The original claims included claims 1-10. The amendment to the claims filed on 08/17/2006 cancelled claims 1-9 and listed claim 10 as a new claim. In response to this Office Action, please amend the claims to correct the numbering of the claims. For purposes of this examination, the examiner assumes that amended claims 10-29 are the claims intended to be examined.

### ***Specification***

1. The disclosure is objected to because of the following informalities: The use of the term "inflation reservoir" (24) in the specification is misleading as it refers to an element that does not inflate the airbag cover but only houses the airbag cover. Examiner suggests renaming the element "airbag reservoir" or "airbag cover reservoir" or the like.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 10-29 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The disclosure does not describe how the airbag cover is connected widthwise to the instrument panel and how the airbag develops in the

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widthwise direction of the vehicle which is critical or essential to the practice of the invention, but not included in the claim(s) are not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). There is no description or figure to show or explain how the airbag is connected in the widthwise direction to the instrument panel. There is further no description of how the airbag interacts to the instrument panel in the widthwise direction during inflation of the airbag.

3. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A description or figure of the module assembled into a steering wheel is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). There is no description or figure to describe how the airbag cover is formed over a steering wheel.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10, 12, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 10 recites an end side of the basic body, however it is unclear from the figure what the end side is referring to, as the end side, labeled as 13, and the airbag cover, labeled as 12, point to generally the same layer.

Claims 12 and 13 recite respectively "interior structure" and a "steering wheel" which renders the scope of the claims unclear; i.e. it is unclear whether the interior

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structure and the steering wheel are also being claimed since the preamble only recites the cockpit component. If the interior structure and the steering wheel are being claimed, it is suggested that claims 12 and 13 be appropriately rewritten as independent claims. For this Office action, it is assumed that the interior structure and the steering wheel are being claimed.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

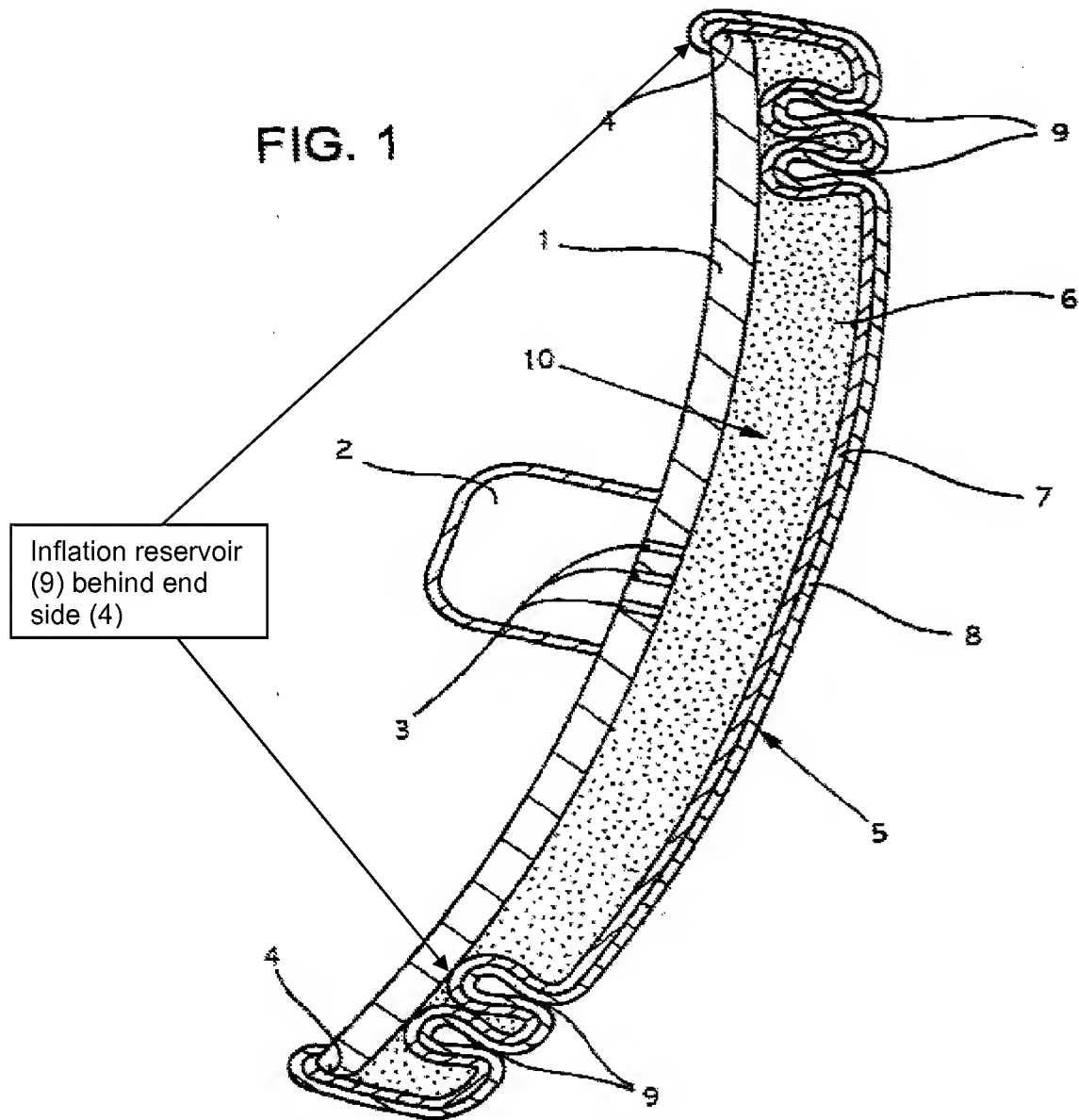
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 10-12, 14-17, 19-20, 22-23, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Tietz (DE 10123207), as applicant admitted prior art.

With respect to claims 10-12 and 28-29, Tietz discloses an airbag cover (5) on an end side (4) of the basic body (1) facing the vehicle occupant (Fig. 1), bearing directly against the basic body (1) and engaging around at least one edge (4) of the end side. (Figs. 1-2.) Tietz further discloses an inflation reservoir (9) provided for the airbag cover (5), wherein the inflation reservoir (9) is arranged behind the end side (4) of the basic body (1). (Modified - Fig. 1 below.) Tietz further discloses the basic body (1), together with the inflatable airbag cushion (10 and 6), forming a separate module. (Fig. 1.) Tietz

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discloses the protection system being fitted into interior structure on a passenger's side ("bottom portion of instrument panel.") (Translation of Description, paragraph 2, line 1.)



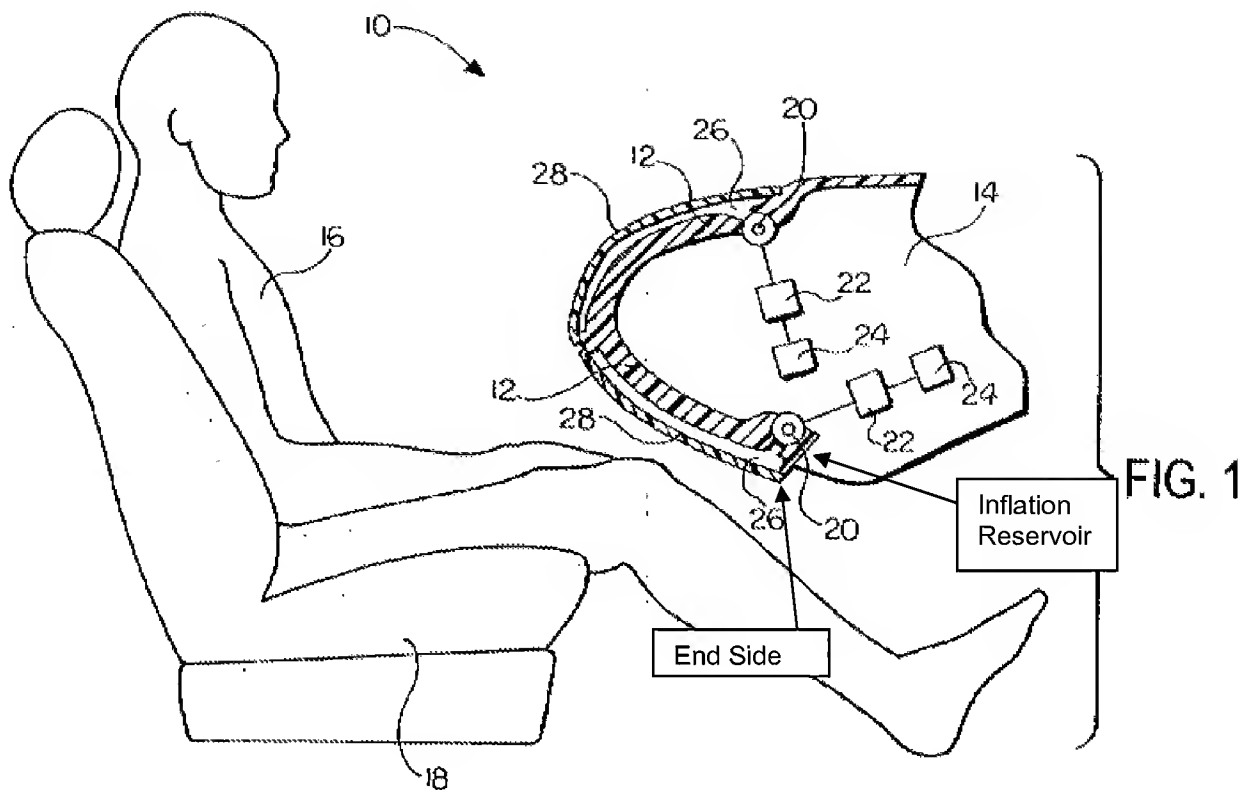
With respect to claims 14-24, Tietz discloses a gas generator (2) arranged behind the end side (4) of the basic body (1). (Fig. 1.) Tietz et al. further discloses the inflation reservoir (9) has folds to permit the airbag cushion (10) to expand into an

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inflated state. (Figs. 1-2.) Tietz discloses the airbag cover (10) is at least partially composed of a fabric (“outer cladding layer” – 8) which is matched to the surface structure of an interior structure. (Figs. 1-2.) Tietz further discloses the fabric (8) of the airbag cover (10) is expandable and provided with a coating (“embossed plastic skin”). (Translation of Description, paragraph 16, lines 1-3.)

9. Claims 10-14 and 16-29 are rejected under 35 U.S.C. 102(b) as being anticipated by DePue et al. (US Pub. No. 2004/0100080 A1).

With respect to claim 10, DePue et al. discloses an airbag cover (“expandable skin” - 28) for protecting vehicle occupants against injuries during accidents, the airbag cover (28), on an end side of the basic body (“housing” - 12) facing the vehicle occupant, bearing directly against the basic body (12) and engaging around at least one edge of the end side. (Modified Fig. 1 – below.) DePue et al. further discloses an inflation reservoir for the airbag cover (28), which is arranged behind the end side of the basic body. (Modified Fig. 1 – below.)



With respect to claims 11-12, DePue et al. discloses the basic body (12), together with the inflatable airbag cushion (28), forming a separate module and fitted into interior structure on the passenger's side. (Fig. 1, paragraph 15, lines 9-11.)

With respect to claim 13, DePue et al. discloses the airbag cover (28) that is applicable to structural components such as a dashboard or steering wheel. (Figs. 1-2, paragraph 14, lines 1-10.)

With respect to claims 14 and 28-29, DePue et al. discloses a gas generator (20) disposed behind the end side of the basic body (12). (Figs. 1-2.)

With respect to claims 16-27, DePue et al. discloses the airbag cover (28) is at least partially composed of fabric matched to surface structure of an interior vehicle. (Paragraph 18, lines 4-10.) DePue et al. further discloses the fabric of the airbag cover



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(28) being expandable. (Paragraph 18, lines 11-13.) DePue et al. further discloses the fabric of the airbag cover (28) is provided with a coating. (Paragraph 16, lines 1-6.)

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 13 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tietz (DE 10123207) in view of DePue et al. (US Pub. No. 2004/0100080 A1).

With respect to claim 13, Tietz does not discuss the protection system being applicable to the steering wheel. DePue et al. discloses a similar restraint system with an airbag cover ("expandable skin" - 28) that is applicable to structural components such as a dashboard or steering wheel. (Figs. 1-2, paragraph 14, lines 1-10.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Tietz to apply the protection device to steering wheels as described in DePue et al. to reduce the need for a hinged door (allowing for creative freedom in design and structure) and reducing injury to vehicle occupants during an accident. (Paragraph 6, lines 1-5.)

With respect to claims 25-27, Tietz discloses the airbag cover (10) is at least partially composed of a fabric ("outer cladding layer" - 8) which is matched to the surface structure of an interior structure. (Figs. 1-2.) Tietz further discloses the fabric

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(8) of the airbag cover (10) is expandable and provided with a coating ("embossed plastic skin"). (Translation of Description, paragraph 16, lines 1-3.)

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DePue et al. (US Pub. No. 2004/0100080 A1) in view of Tietz (DE 10123207).

With respect to claim 15, DePue et al. does not disclose the inflation reservoir to have folds. Tietz discloses an inflation reservoir (9) having folds to permit the airbag cushion (10) to expand into an inflated state. (Figs. 1-2.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of DePue et al. to have folds in the inflation reservoir as described in Tietz to reduce the friction between the unfolding layers. (Translation of Description, paragraph 12, lines 1-3.)

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference Goestenkers et al. (US Patent No. 6,170,871 B1) discloses an inflatable trim panel assembly with an elastic skin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Thursday, 7:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571)272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3616

/James English/  
Examiner, Art Unit 3616